

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PATENT GROUP, LLC,  
Relator,

v.

JOHNNY RAY, LLC and  
JOHNNY RAY SPORTS, INC.,  
Defendants.

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CIVIL ACTION NO. 2:10-CV-380 TJW

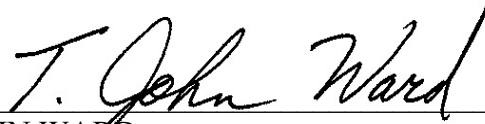
**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Relator Patent Group, LLC’s (“Patent Group”) Motion to Strike Johnny Ray’s Response to Complaint (Dkt. No. 6). The right to proceed pro se in civil actions is guaranteed by 28 U.S.C. § 1654: “In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.” However, this right is limited to appear pro se on behalf of one’s self; one cannot represent another separate legal entity, such as another person, a corporation, or a partnership, pro se. *Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 201–02 (1993); *Sw. Express Co. v. Interstate Commerce Comm’n*, 670 F.2d 53, 55 (5th Cir. 1982) (per curiam); e.g., *Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 (5th Cir. 2004); *Mut. Assignment & Indemnification Co. v. Lind-Waldock & Co.*, 364 F.3d 858, 860 (7th Cir. 2004); *Pridgen v. Andresen*, 113 F.3d 391, 393 (2nd Cir. 1997); *Richdel, Inc. v. Sunspool Corp.*, 699 F.2d 1366, 1366 (Fed. Cir. 1983). As fictional legal entities, corporations and partnerships cannot appear for themselves personally. *Sw. Express Co.*, 670 F.2d at 55. Their only proper

representative is a licensed attorney, “not an unlicensed layman regardless of how close his association with the partnership or corporation.” *Id.* at 56.

Mr. Brian Nunnelee is Johnny Ray, LLC’s (“Johnny Ray”) registered agent for service of process, but he has not shown that he is a licensed attorney who is authorized to Johnny Ray represent in this matter. Accordingly, it is hereby ORDERED that Relator’s Motion is GRANTED and the Court STRIKES Defendant Johnny Ray, LLC’s Response to *Qui Tam* Complaint for False Marking (Dkt. No. 4), and ORDERS Defendant Johnny Ray, LLC to appear through counsel and answer, plead, or otherwise respond to Relator’s Complaint within 30 days. If counsel does not appear for Johnny Ray within 30 days, the Court will entertain a motion for default judgment against Johnny Ray based on its failure to defend itself in this litigation.

SIGNED this 1st day of November, 2010.



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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE